SOLICITORS DISCIPLINARY TRIBUNAL

IN THE MATTER OF THE SOLICITORS ACT 1974 Case No. 11076-2012

BETWEEN:

SOLICITORS REGULATION AUTHORITY Applicant

and

JEFFREY TESLER Respondent

Before:

Mr J. A. Astle (in the chair)
Mr S. Tinkler
Mr. S. Marquez

Date of Hearing: 13 May 2014

Appearances

Mr Geoffrey Williams QC of Farrar's Building Temple London EC4Y 7BD for the Applicant.

The Respondent appeared and was represented by Mr John Orme, Barrister, of Axiom Chambers.

JUDGMENT

Allegations

1. The Allegations against the Respondent, Jeffrey Tesler, made on behalf of the Solicitors Regulation Authority (the "SRA") were that:

1.1 On 11 March 2011, at the United States District Court, Southern District of Texas, Houston Division, he was convicted of:

a) One count of conspiracy to violate the Foreign Corrupt Practices Act contrary to Title 18 United States Code, Section 371 and

b) One count of aiding and abetting a violation of the Foreign Corrupt Practices Act contrary to Title 15 United States Code, Section 78dd-2

In breach of Rule 1.02 and 1.06 of the Solicitors Code of Conduct 2007;

1.2 He entered into a plea agreement with the United States Department of Justice in which he confirmed that he was guilty of the offences set out in allegation 1.1 above, in breach of Rule 1.02 and 1.06 of the Solicitors Code of Conduct 2007;

1.3 At a hearing in the said United States District Court on 23 February 2012 he made a statement to the Court to the effect that he was guilty of the offences referred to in allegation 1.1 above, in breach of Rule 1.02 and 1.06 of the Solicitors Code of Conduct 2007.

Documents

2. The Tribunal reviewed all the documents submitted by the parties, which included:

Applicant:

- Application dated 15 October 2012;
- Rule 5 Statement dated 23 December 2013, together with Exhibit ISJ 1;
- Bundle of authorities –
  i. R (on the application of the Health Professions Council) v Disciplinary Committee of the Chiropodists Board [2002] EWHC2662 (Admin);
  ii. Antoneilli v Secretary of State for Trade and Industry [1998] 1 ALL ER;
  iii. BSB v Hurnam (Disciplinary Tribunal Findings of the Council of the lnns of Court & Appeal to the Visitors to the Inns of Court);
  iv. In the matter of a solicitor - 27 February 1996 - "Shepherd";
  v. R v Haywood, R v Jones & R v Purvis [2001] EWCA Crim 168;
- Annex K of the Disciplinary Tribunals Regulations 2009 (Amended February 2012);
- Civil Evidence Act Notice and Notice to Admit dated 24 October 2013, sent to the Respondent;

- Schedule of Costs of the Applicant dated 10 December 2013, together with the Fee Note of Mr Williams QC.

Respondent:

- Copies of correspondence and attachments from the Respondent to the Applicant and the Tribunal dealing with points he wished the Tribunal to take into account, his health and financial position;

- Sentencing Memorandum for the United States District Court, submitted by the Attorneys for the Respondent, dated 17 February 2012;

- Copy letter from M. Thierry Marembert, Advocat à la Cour, concerning the case against the Respondent in France, indicating that there was a hearing before the Paris Tribunal de Grande Instance on 20 May 2014.

Tribunal:

- Memoranda of Case Management Hearings held on 27 November 2012, 21 March 2013, 15 July 2013, 3 October 2013 and 16 December 2013.

Preliminary Matter

3. Mr Orme said that the Tribunal should be informed that there was a pending prosecution against the Respondent in France. However, he had not applied for the case against the Respondent to be adjourned today. The letter before the Tribunal from M. Thierry Marembert gave brief details and indicated that that there was to be a hearing on 20 May 2014. This would be a preliminary hearing and Mr Orme could tell the Tribunal that the Respondent had not yet decided how to proceed; the matter was likely to be concluded by the end of the year. The Respondent's predicament was that he was bound by his plea agreement made in the United States, which stipulated that he could not gainsay that plea agreement anywhere in the world and there was no double jeopardy rule in France. The Respondent had been some way down the list of participants in both the US and the French proceedings but with different participants in each; the matter was therefore not straightforward.

4. However, should the Tribunal not strike off the Respondent in these proceedings then there could be a further appearance by the Respondent before the Tribunal on the culmination of the proceedings in France. The Tribunal, in considering the French proceedings, may then be inclined to strike off the Respondent and this would not, in Mr Orme's submission, be fair. He was raising the matter so that the Tribunal had knowledge of it and could then decide how to proceed.

5. Mr Williams confirmed that there was no application to adjourn and that there never had been any such application. The Applicant knew nothing of the proceedings in France and it was difficult to assess their likely impact. If there was a conviction against this Respondent in France that would indeed be a separate act of misconduct and there could be no surprise if further proceedings were taken as a result of any such conviction. In Mr Williams' submission there was a real public interest in proceeding with this matter today and if the Tribunal was concerned that its written

Findings might prejudice the proceedings in France, then publication of those Findings could be deferred pending the conclusion of the French prosecution. There was nothing to prevent the Tribunal from proceeding with the matter today.

The Tribunal's Decision on the Preliminary Matter

6. The Tribunal having considered the matter would proceed with the hearing because: –

   i. neither the Respondent nor the Applicant sought an adjournment;

   ii. in the Tribunal's view, no injustice or unfairness was likely to flow from proceeding;

   iii. in the event that the possibility of any injustice or unfairness might arise during the course of the hearing it would be open to the party at risk to make an application which would then be considered by the Tribunal on the merits;

   iv. in the event of any further proceedings before the Tribunal following those in France any potential injustice or unfairness which might arise at that stage would be a matter to be considered by the Tribunal in those further proceedings;

   v. the prejudice from delay in the current proceedings before the Tribunal would far outweigh any risk of injustice or unfairness in proceeding.

7. Any decision as to whether or not the Respondent should be bought back before the Tribunal following the culmination of the proceedings in France was a matter for the future and at first instance for the Applicant rather than the Tribunal. The circumstances described to the Tribunal were not sufficiently substantial nor concrete enough to adjourn the hearing today.

Factual Background

8. The Respondent was born on 16 September 1948 and was admitted as a solicitor on the 15 November 1973.

9. At all material times the Respondent practised as a Partner in Kaye Tesler & Co from offices at 86 West Green Road, London N15 5NS. The Respondent practised as a consultant to Kaye Tesler & Co from March 2004 and ceased work at the firm in 2010. The Respondent no longer holds a practising certificate.

10. On the 10 March 2010 the Respondent was extradited to the United States from the United Kingdom having being indicted by a Grand Jury in Texas on the 17 February 2009. The Respondent was indicted on 11 counts relating to breaches of the Foreign Corrupt Practices Act 1977 ("FCPA"). The Respondent's name appeared on the indictment together with a co-defendant.

11. On the 11 March 2011, the Respondent signed a plea agreement with the United States Department of Justice in which he pleaded guilty to counts 1 and 2 on the

indictment, conspiring to violate the FCPA and to violating the FCPA. In return for his guilty plea, the United States dismissed counts 3 to 11 on the indictment. The factual basis for the Respondent's guilty plea appeared at paragraph 18 of his plea agreement.

12. The United States Department of Justice issued a press release on the 11 March 2011:

> "Jeffrey Tesler, a former consultant to Kellogg, Brown & Root Inc. (KBR) and its joint venture partners, pleaded guilty today in Houston to conspiring to violate the Foreign Corrupt Practices Act (FCPA) and to violating the FCPA for his participation in a decade-long scheme to bribe Nigerian Government officials to obtain engineering, procurement and construction (EPC) contracts.....The EPC contracts to build liquefied natural gas (LNG) facilities on Bonny Island, Nigeria, were valued at more than $6 billion....."
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> "KBR, Technip S.A., Snamprogetti Netherlands B.V. and a Japanese engineering and construction company were part of a four-company joint venture that was awarded four EPC contracts by Nigeria LNG Ltd (NLNG) between 1995 and 2004 to build LNG facilities on Bonny lsland. Tesler admitted that from approximately 1994 through to June 2004, he and his co-conspirators agreed to pay bribes to Nigerian government officials, including top-level executive branch officials, in order to obtain and retain EPC contracts. The Joint venture hired Tesler as a consultant to pay bribes to high-level Nigerian officials and hired a Japanese trading company to pay bribes to lower-level Nigerian Government officials. During the course of the bribery scheme, the joint venture paid approximately $132 million in consulting fees to a Gibraltar Corporation (Tri-Star Investments) controlled by Tesler and more than $50 million to a Japanese trading company. Tesler admitted that he had used the consulting fees received from the Joint venture, in part, to pay bribes to Nigerian officials....."
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> "As part of his plea agreement, Tesler agreed to forfeit $148, 964,568."

13. On the 23 February 2012, the Respondent was sentenced to 21 months imprisonment, a 2 year period of supervised release on Counts 1 and 2 to run concurrently, a fine of $25,000 and special assessment of $200.

14. The Respondent's conduct was referred to the Tribunal by the SRA on 27 September 2012.

Witnesses

15. None

Submissions of the Applicant

16. Mr Williams told the Tribunal that there had been no formal admissions by the Respondent. This was a case that was based upon the facts of the Respondent's conviction in the United States. In Mr Williams' submission the matters before the Tribunal were grave; the Applicant would rely on the fact of the two convictions to

prove its case. Mr Williams put the case at the top end of the scale of professional misconduct, the Respondent had clearly pleaded guilty voluntarily to the offences of which he had been convicted. It could be seen that his attorney had informed the US Court that "the Defendant's decision to enter into this [plea] agreement is an informed and voluntary one" and that the Respondent himself had stated to that Court that he understood all of his rights and had voluntarily agreed the terms of the plea agreement. He had accepted his guilt on two serious counts and had made admissions. This acceptance in itself had inflicted vast reputational damage upon the profession, which reputation relied upon the conduct of its members.

17. Mr Williams said that the Respondent had admitted the fact of his conviction in the United States but had asked the Applicant to take into account several points, amongst which were that:

    a) he had not been convicted for an offence of dishonesty as such;

    b) he had not been prosecuted in the UK but had been extradited to the United States;

    c) bribery of foreign nationals was not an offence in the UK until 2002, so under UK legislation it pre-dated criminality;

    d) he had been in fear of a 55 year sentence and based upon a risk assessment had concluded that it was not viable to defend the case;

    e) the Tribunal could not rely upon a conviction in the United States in the same way as it could rely upon one in the UK.

18. In respect of the last point, Mr Williams directed the Tribunal to Rule 15 (2) of the Solicitors (Disciplinary Proceedings) Rules 2007 ("the Rules"), where it was said that "a conviction for a criminal offence may be proved by the production of a certified copy of the certificate of conviction relating to the offence and proof of a conviction shall constitute evidence that the person in question is guilty of the offence. Findings of fact upon which the conviction was based shall be admissible as conclusive proof of those facts save in exceptional circumstances". In Mr Williams' submission the Applicant had proved the conviction and the Respondent had admitted that the conviction had occurred. It therefore followed that there was evidence before the Tribunal that the Respondent was guilty under the Rules. There were no exceptional circumstances in this case.

19. There was no geographical limitation to Rule 15; if it had been intended that there should be such a limitation then it would have been expressed by Parliament. In addition, the Tribunal should adopt a purposive construction of the Rules; the purpose of which was to protect the public (R (on the application of the Health Professions Council) v Disciplinary Committee of the Chiropodists Board [2002] EWHC2662 (Admin) and Antonelli v Secretary of State for Trade and Industry [1998] 1 ALL ER). In Antonelli, Beldam LJ held that

> "I can see no ground for confining the word "conviction" so that a conviction before a court outside the United Kingdom for fraud, dishonesty and violence

> is excluded. By 1979 fraud and dishonesty had already achieved an international dimension. Parliament is unlikely to have intended that a person convicted of serious fraud, for example in France, should be able to commute from Calais to Dover and there to carry on practice as an estate agent… Nor do I consider that the fact that in other statutes Parliament has been careful to define the territorial extent of the expression "conviction". In my view the purpose of the Act is a more persuasive consideration and it would seem to me anomalous if Parliament had not intended convictions for fraud, dishonesty or violence outside the United Kingdom as qualifying to enable the Director to make an order that a person so convicted was unfit to carry on estate agency work generally."

In Mr Williams' submission in any event the United States was not a jurisdiction which should cause the Tribunal any concern. It followed that the Tribunal could safely rely upon the conviction in the United States.

20. The Respondent had also raised the fact that bribery of foreign officials was not made an offence in the UK until 2002 and consequently his acts predated any criminality. Mr Williams again referred to the case of Antonelli v Secretary of State for Trade and Industry [1998] 1 ALL ER as authority for his contention that this point was without merit.

21. Mr Williams took the Tribunal through the exhibit bundle ISJ1 in some detail. It could be seen that the guidance on the FCPA stated "In general, the FCPA prohibits payments to foreign officials for the purpose of obtaining or keeping business." and "The person making or authorising the payment must have a corrupt intent, and the payment must be intended to induce the recipient to misuse his official position to direct business wrongfully to the payer or to any other person. You should note that the FCPA does not require that a corrupt act succeed in its purpose. The offer or promise of a corrupt payment can constitute a violation of the statute. The FCPA prohibits any corrupt payment intended to influence any act or decision of a foreign official in his or her official capacity, to induce the officials to do or omit to do any act in violation of his or her lawful duty, to obtain any improper advantage, or to induce a foreign official to use his or her influence improperly to effect or influence any act or decision." Thus, in Mr Williams' submission, it could be seen that the nature of the offences of which the Respondent had been convicted required a corrupt mind.

22. It could be seen that the Respondent had received proper legal representation in the proceedings which had culminated in his entering the plea agreement, since at paragraph 17 of that signed agreement it was said that "The Defendant represents to the Court that he is satisfied that his attorneys have rendered effective assistance."

23. Mr Williams directed the Tribunal in particular to the certificate of conviction within the exhibit bundle. He asked the Tribunal to find that there was a certificate of conviction and not to go behind the fact of that conviction. In the case of Shepherd the question on the appeal was whether the practice of the Tribunal not to go behind a conviction unless there were exceptional circumstances was lawful and justified. In that case the Divisional Court endorsed the approach of the Tribunal in treating the fact of a conviction as a breach of the Rules.

24. Mr Williams said that there was nothing equivocal about the conviction; the Respondent's own Counsel had told the Judge that "he's acknowledged and continues to acknowledge his guilt and accepts responsibility for his actions" and at paragraph 21 of the plea agreement it was said that "The Defendant acknowledges that no threats have been made against him and that he is pleading guilty freely and voluntarily because he is guilty." The Respondent himself had told the Court that "… I allowed myself to accept standards of behaviour in a business culture which can never be justified. I accepted the system of corruption that existed in Nigeria. I turned a blind eye to what was happening and I am guilty of the offences charged. In hindsight, I should have withdrawn immediately from the actions which I undertook and rejected the terms that were offered to me by the TSKJ joint venture to facilitate bribes through high-ranking Nigerian officials, although it would not have been easy to extricate myself without risking the lives of myself and my family…" and that he had "irreparably lost my good name, position in society, professional livelihood and I will be disbarred".

25. Mr Williams asked what the Respondent's motive could have been for his involvement and pointed out that in his exchanges with the Judge at the Sentencing hearing, when he was asked about his motive, he had replied "I certainly anticipated that I would be receiving some monies."

Submissions of the Respondent

26. Mr Orme acknowledged that the Applicant had put the allegations at the highest level of misconduct and that the consequences for the Respondent, should the allegations be proved against him, would be very serious. The principles laid down in the cases of Bolton v The Law Society [1994] 1 WLR 512 and Salsbury v The Law Society [2008] EWCA Civ 1285 meant that he faced difficulties in law in seeking to persuade Tribunal that in those circumstances it should not strike off the Respondent. However his client was entitled to a fair hearing.

27. The Respondent recognised that he had made a terrible error of judgement but there were uncomfortable aspects to this case. Rule 15 of the Rules had a provision for "exceptional circumstances" and in Mr Orme's submission there were difficult circumstances in this case. There was no doubt that the Respondent had been extradited to the United States and had faced 11 counts against him; if found guilty after trial a potential term of 55 years imprisonment confronted him. No sane person in that position would do other than the Respondent and he had entered the plea agreement as did some 97% of all other defendants in those circumstances. Mr Orme asked the Tribunal to look at that system from a British perspective. Hence, the Tribunal could not discount "exceptional circumstances" nor say that because this had occurred in the United States it was acceptable.

28. The Respondent had had to operate in the real world in his dealings in Nigeria, where certain large scale business was seen to involve bribery. The law in the United States had been changed in 1998 to include any person committing bribery of foreign nationals, whereas that had not become an offence in the UK until 2002. When the Respondent had embarked upon this course of action there had been no offence either in the United States or in the UK. Since the Respondent was a solicitor a higher standard concerning knowledge of the law applied to him but it was simply no longer

possible to have a comprehensive knowledge of laws in different legal systems. Mr Orme therefore posed the question as to how anyone in the Respondent's position could have known that the law in the United States had changed in 1998.

29. The Respondent could not gainsay his plea agreement and was restrained in the points that he could make. He would not give evidence before the Tribunal for that reason. He must therefore accept the risks of a penalty before the Tribunal as being less than the risks inherent in discussing the plea agreement.

30. Mr Williams had told the Tribunal that the very fact of the Respondent's plea was sufficient to bring him within a breach of Rule 1.06 of the Solicitors Code of Conduct 2007. However in Mr Orme's submission the public would have some sympathy for persons extradited in these impossible circumstances; the Respondent did not accept that such a plea automatically made him subject to strike off and the Tribunal was required to consider lesser sanctions. The Respondent represented no risk to the public and public confidence could be maintained by restrictions upon his Practising Certificate.

31. As regards the actual offences there had been no allegation of loss to anyone; the other parties to the tendering process had also been offering bribes. It was accepted that the Respondent's wife had gained from the process and indeed other persons had gained but the whole sum had ultimately been restored. Decisions had had been made at a very high level and not by the Respondent; he had been used as a tool by others and had become the "fall guy". It was further clear that there was no allegation that the Respondent has made any gain himself and in Mr Orme's submission his record and his age were relevant as to how the Tribunal should regard his circumstances.

32. Mr Orme asked the Tribunal to study the Sentencing Memorandum of the United States District Court that was before it since that Memorandum referred to all of the Respondent's personal mitigation.

33. In conclusion, Mr Orme said that a Practising Certificate had been granted to the Respondent by the SRA on 23 February 2011 with conditions. Thus upon the announcement of the Grand Jury Indictment the Respondent had held a Practising Certificate with conditions and he was fully prepared to accept conditions on his Practising Certificate as a result of this hearing.

34. Mr Orme was asked by the Tribunal whether the Respondent freely accepted before the Tribunal that between 1994 and 2002 he had engaged in acts of bribery and he was advised by the Tribunal that he did not need to respond to the question. Mr Orme replied that the Respondent did so accept that he had engaged in acts of bribery.

Findings of Fact and Law

35. The Tribunal had due regard to the Respondent's rights to a fair trial and to respect for his private and family life under Articles 6 and 8 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Tribunal was troubled by some of what it had heard and invited submissions upon whether the Respondent could have a fair trial given what it had been told about the consequences of the plea

agreement; there appeared to be a significant limitation on the submissions and evidence that the Respondent could put before the Tribunal.

36. Mr Orme said that he had put a number of points to the Tribunal but had not said that he did not think that a fair trial was possible. The whole matter was uncomfortable. In all the circumstances, he had asked for restrictions upon the Respondent's Practising Certificate rather than any more serious sanction.

37. Mr Williams told the Tribunal that there had been no representations by the Respondent as to the fairness of the process before the Tribunal and if the Respondent did not assert any unfairness then it was difficult to find it. The plea agreement had been entered into voluntarily and in the Respondent's exchange with the Judge at the sentencing, after he had been told that no comment was required, he had made it plain that he had entered a plea of guilty because he was guilty of the offences alleged. He could not therefore come before this Tribunal and say that he was not guilty of the offences but that he could not say why. The allegations in this case were specific and a solicitor had said in a Court that he had bribed government officials on a vast scale. There was in Mr William's submission nothing unfair in the Tribunal focusing upon the allegations before it and his case was that the profession had been significantly damaged by the actions of the Respondent. In any event, with a certificate of conviction it was not necessary for the Applicant to prove the actus reus of the offences.

38. The Applicant was required to prove the allegations beyond reasonable doubt.

39. **The Allegations against the Respondent, Jeffrey Tesler, made on behalf of the Solicitors Regulation Authority (the "SRA") were that:**

Allegation 1.1 - On 11 March 2011, at the United States District Court, Southern District of Texas, Houston Division, he was convicted of:

a) One count of conspiracy to violate the Foreign Corrupt Practices Act contrary to Title 18 United States Code, Section 371 and

b) One count of aiding and abetting a violation of the Foreign Corrupt Practices Act contrary to Title 15 United States Code, Section 78dd-2

In breach of Rule 1.02 and 1.06 of the Solicitors Code of Conduct 2007;

Allegation 1.2 - He entered into a plea agreement with the United States Department of Justice in which he confirmed that he was guilty of the offences set out in allegation 1.1 above, in breach of Rule 1.02 and 1.06 of the Solicitors Code of Conduct 2007;

Allegation 1.3 - At a hearing in the said United States District Court on 23 February 2012 he made a statement to the Court to the effect that he was guilty of the offences referred to in allegation 1.1 above, in breach of Rule 1.02 and 1.06 of the Solicitors Code of Conduct 2007.

39.1 The Tribunal had studied most assiduously all of the documentation before it and had listened carefully to the submissions of both the Applicant and the Respondent. The Tribunal found each of the allegations against the Respondent proved beyond reasonable doubt. In the view of the Tribunal there was no doubt that the Respondent had committed acts of bribery; his convictions in the United States were by virtue of Rule 15(2) based on findings of fact which were therefore admissible as conclusive proof of those facts save in exceptional circumstances and the Tribunal was satisfied that there were no such exceptional circumstances. In any event the Respondent, through his representative, had admitted before the Tribunal that he had committed acts of bribery.

39.2 The acts of bribery proved and admitted were of such seriousness that they could do no other than prejudice the Respondent's integrity and diminish the public's confidence in him as a solicitor and in the solicitors' profession.

39.3 Notwithstanding the nature of the United States plea bargaining system and the agreement into which the Respondent entered, the Tribunal did not find that the consequences were such that they precluded the Respondent from having a fair hearing before the Tribunal, because it did not find that it was reasonably possible, given the nature of the bribery proved and admitted, that the plea agreement prevented the Respondent from putting before it matters which would have been significant in its considerations.

39.4 The Tribunal had further concluded that the proceedings before it today were fair. In both the hearing before the United States Judge and in front of the Tribunal the Respondent had admitted the underlying facts. The Tribunal had found as a matter of fact that there were no "exceptional circumstances" involved which may have invoked the exception in Rule 15(2) of the Rules. Counsel for the Respondent had told the Tribunal that all of the Respondent's mitigation had been raised at his trial in the United States. The Tribunal had seen a copy of that document, the Sentencing Memorandum and had therefore seen all of the Respondent's mitigation. Given the Respondent's admissions and the fact of his convictions the Tribunal could not reasonably envisage that anything else could have been raised by way of significant mitigation.

Previous Disciplinary Matters

40. None.

Mitigation

41. Mr Orme referred to the Sentencing Memorandum before the United States District Court. The Respondent had been sentenced to 21 months imprisonment in the United States some of which had been served in this jurisdiction and had been released after 13 months. His health had suffered from the stress of the proceedings and his incarceration; such stress would be ongoing because of the French proceedings.

Sanction

42. The Tribunal referred to its Guidance Note on Sanctions when considering sanction.

43. The Tribunal had found each of the allegations against the Respondent to have been proved beyond reasonable doubt. The background to the case before the Tribunal was that of offences which revealed a gross lack of integrity, the extent of which undermined the trust not only that the public placed in the Respondent but also in the profession as a whole. It had been demonstrated and admitted that the Respondent had paid very large sums with intent to corrupt public officials; that was the most serious kind of misconduct. It was corrupt and the Respondent had known that it was corrupt. The only fair and proportionate penalty to protect the public and the reputation of the profession was that of strike off.

Costs

44. Mr Williams asked for summary assessment of costs. As matters had been proved in their entirety the Applicant should be entitled to the full costs requested in the sum of £14,622.20. Research had been required upon the foreign convictions and there had been considerable correspondence, five Case Management Hearings and issues surrounding the Respondent's health. The matter had not been straightforward even for Mr Williams and the charge out rates were modest. In addition, no charge had been made for the Applicant's barrister's attendance at the hearing today.

45. In Mr Orme's submission the Applicant's utilisation of a QC at the hearing may not have been justified and the fact that a QC had been employed should not necessarily lead to an increase in costs against the Respondent.

The Tribunal's Decision on Costs

46. The Tribunal summarily assessed costs in the sum of £14,622.20. However, the Tribunal had paid close attention to the Respondent's means, as revealed in his correspondence, in deciding how much of that sum should be paid by the Respondent, following the principles in D'Souza v The Law Society [2009] EWHC 2193 (Admin). The Tribunal noted that the Respondent had a small pension and some savings and it therefore decided that it was reasonable that the Respondent should be liable for costs in the sum of £7,000.

Statement of Full Order

47. The Tribunal Ordered that the Respondent, Jeffrey Tesler, solicitor, be struck off the Roll of Solicitors and it further Ordered that he do pay the costs of and incidental to this application and enquiry fixed in the sum of £7,000.

Dated this 30th day of June 2014
On behalf of the Tribunal

J. A. Astle
Chairman